

Message Text

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C O N F I D E N T I A L MADRID 1977

E.O. 11652: GDS
TAGS: PINT, SP
SUBJECT: COUNCIL OF MINISTERS APPROVES ELECTORAL DEGREE-LAW,
OUTLINE RELEASED

REF: MADRID 0618

1. IN ANOTHER MAJOR STEP TOWARDS FREE ELECTIONS, THE COUNCIL
OF MINISTERS LAST NIGHT APPROVED THE ELECTORAL LAW. THIS
DECREE LAW WILL NOW BE SENT, IN A LEGAL FORMALITY, TO THE
COMMITTEE ON LEGISLATIVE COMPETENCE OF THE CORTES BEFORE
BEING PROMULGATED. THE TEXT OF THE DECREE-LAW HAS NOT
BEEN RELEASED; HOWEVER, BASED ON A COMMUNIQUE RELEASED AT
THE END OF THE COUNCIL OF MINISTERS MEETING AND ON EXPLANATORY
REMARKS MADE LAST NIGHT OVER NATIONAL TELEVISION BY
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JUSTICE MINISTER LAVILLA, THE FOLLOWING ARE THE MAJOR
FEATURES.

2. ELIGIBILITY. THE VOTING AND MINIMUM AGE FOR
CANDIDATES IS 21. THOSE INELIGIBLE TO PRESENT THEMSELVES
AS CANDIDATES INCLUDE "THOSE WHO FORM PART OF THE GOVT,
SUCH AS MINISTERS," HIGH OFFICIALS OF THE CENTRAL AND

LOCAL ADMINISTRATION AND THE OFFICIAL SYNDICATES, MEMBERS OF THE LEGAL AND FISCAL PROFESSIONS AND ACTIVE DUTY MEMBERS OF THE ARMED FORCES. FOR SUCH OFFICIALS TO BECOME ELIGIBLE TO RUN, THEY MUST STEP DOWN NO LATER THAN EIGHT DAYS AFTER THE OFFICIAL CONVOCAION OF ELECTIONS.

3. LOWER HOUSE CONTEST. THE PROVINCE IS THE ELECTORAL DISTRICT FOR BOTH THE UPPER AND LOWER HOUSE CONTESTS. EACH PROVINCE IS GUARANTEED TWO DEPUTIES, WITH ADDITIONAL SEATS AWARDED ON THE BASIS OF ONE FOR EACH 144,500 INHABITANTS OR FRACTION IN EXCESS OF 70,000 (EXCEPTIONS TO THIS ARE CEUTA AND MELILLA, WHICH WILL EACH HAVE ONE DEPUTY). CONSEQUENTLY, THE EFFECTIVE MINIMUM NUMBER OF SEATS IS THREE (SEGOVIA, SORIA, AND FIVE OTHER PROVINCES), WHILE BARCELONA (33) AND MADRID (32) WILL BE MOST HEAVILY REPRESENTED. THE ELECTION WILL BE ON THE BASIS OF A LIST SYSTEM, WITH THE PROPORTIONAL DISTRIBUTION OF SEATS DETERMINED THROUGH THE APPLICATION OF THE D'HONDT SYSTEM. IN ORDER TO BE CONSIDERED IN THE DISTRIBUTION OF SEATS, A LIST MUST HAVE RECEIVED AT LEAST 3PERCENT OF THE VOTE, A MEASURE THAT WILL ONLY HAVE PRACTICAL EFFECT IN MADRID AND BARCELONA, IF THERE.

4. UPPER HOUSE CONTEST. EACH PROVINCE WILL BE REPRESENTED BY FOUR SENATORS (WITH SPECIAL PROVISIONS FOR THE INSULAR PROVINCES AND CEUTA AND MELILLA), ELECTED ON THE BASIS OF MAJORITY SUFFRAGE. EACH VOTER WILL BE ALLOWED TO VOTE FOR AS MANY AS THREE CANDIDATES. THE TOP FOUR VOTE-GETTERS WILL BE ELECTED. THERE WILL BE NO RUN-OFF. (THIS IS AN INTELLIGENT CONFIDENTIAL

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COMPROMISE SOLUTION BETWEEN THE ALIANZA POPULAR-FAVORED FOUR-VOTE APPROACH AND THE MUCH BRUITED ABOUT JAPANESE ONE-VOTE SYSTEM. IT SHOULD PREVENT ANY ONE GROUP FROM WINNING ALL FOUR SEATS IN ANY PROVINCE.)

5. CAMPAIGN GUIDELINES. THE OFFICIAL CAMPAIGN WILL LAST THREE WEEKS. CANDIDATES CAN BE PRESENTED BY PARTIES, COALITIONS OR FEDERATIONS OF PARTIES, OR ON INDEPENDENT LISTS BY PETITION OF A MINIMUM NUMBER OF VOTERS. THE GOVT GUARANTEES EQUAL TREATMENT OF ALL LISTS AND FREE AND EQUAL ACCESS TO GOVT-CONTROLLED TELEVISION, RADIO AND PRESS. A TELEVISION OVERSIGHT COMMITTEE WILL BE ESTABLISHED WHICH WILL BE COMPOSED OF REPRESENTATIVES OF THE GOVT AND OF THE POLITICAL PARTIES. THERE WILL BE POST FACTO GOVT FINANCING BASED ON THE NUMBER OF VOTES RECEIVED.

6. ELECTORAL BOARDS. ELECTORAL BOARDS WILL BE FORMED TO SUPERVISE ELECTIONS ON A NATIONAL AND PROVINCIAL BASIS. THEY WILL BE HEADED UP BY JUDGES AND WILL CONSIST OF MEMBERS OF THE

LEGAL PROFESSION AND VOTERS (MEMBERS OF PREVIOUS ELECTORAL BOARDS APPOINTED DIRECTLY BY THE GOVT WILL NOT BE ELIGIBLE FOR MEMBERSHIP ON THE NEW BOARDS). THE PARTIES WILL NOT BE ABLE TO SELECT MEMBERS OF THE PROVINCIAL BOARDS, BUT THEY WILL HAVE A ROLE IN THE CHOOSING OF NATIONAL BODY, WHICH WILL IN TURN HAVE AN INPUT INTO THE SELECTION OF THE PROVINCIAL BOARDS. DURING THE CAMPAIGN PERIOD, THE PROVINCIAL BOARDS WILL HAVE GOVERNMENTAL AUTHORITY IN SUCH AREAS AS FREEDOM OF ASSEMBLY AND THE PRESS IN ORDER TO BETTER ASSURE GOVERNMENTAL NEUTRALITY IN THE CONTEST.

7. COMMENT: INITIAL POLITICAL PARTY REACTION TO THIS OUTLINE OF THE LAW HAS BEEN GENERALLY POSITIVE, ALTHOUGH ALL SPOKESMEN, FROM THE CENTER TO THE COMMUNISTS, HAVE POINTED OUT THAT THEY COULD HARDLY RENDER A DEFINITIVE JUDGMENT UNTIL THEY SAW THE FULL TEXT OF THE LAW. IT DOES, HOWEVER, APPEAR TO REPRESENT A MUTUALLY ACCEPTABLE COMPROMISE BETWEEN THE DEMANDS OF CONFIDENTIAL

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ALIANZA POPULAR AND THE TRADITIONAL OPPOSITION, ALTHOUGH THERE WILL BE QUIBBLING OVER SOME OF ITS PROVISIONS (E.G., THE LEFT WANTED A VOTING AGE OF 18; ALIANZA POPULAR WANTED A HIGHER MINIMUM NUMBER OF LOWER HOUSE DEPUTIES PER PROVINCE).

8. THE INELIGIBILITY PROVISIONS ARE OF PARTICULAR INTEREST, SINCE THEY STRIKE AT THE HEART OF THE HOTTEST CURRENT POLITICAL ISSUE, SUAREZ'S POLITICAL INTENTIONS. AT FIRST BLUSH THE COMMUNIQUE WOULD APPEAR TO POINT TO SUAREZ'S NON-CANDIDACY, BUT IN FACT IS HEDGED IN SUCH A WAY THAT IT DOES NOT RULE OUT HIS RUNNING. "THOSE WHO FORM PART OF THE GOVT, SUCH AS MINISTERS," IS HARDLY A STRAIGHTFORWARD FORMULATION. EMBOFF QUERIED A KNOWLEDGABLE SUB-CABINET OFFICIAL IN THE PRIME MINISTER'S OFFICE ON THIS POINT. HE SAID THAT IF THE ACTUAL TEXT OF THE ELECTORAL LAW (APPARENTLY STILL BEING REFINED) MADE "MINISTERS" INELIGIBLE, THEN SUAREZ, WHOSE SPANISH TITLE IS PRESIDENT OF GOVERNMENT WOULD NOT BE COVERED BY THAT PROHIBITION. IF THE TEXT MADE "MEMBERS OF THE GOVERNMENT" INELIGIBLE, SUAREZ WOULD BE INCLUDED. HE WENT ON TO SAY THAT EVEN IF THE TEXT READ "MINISTERS" THAT WOULD NOT SIGNIFY THAT SUAREZ HAD IN FACT MADE UP HIS MIND TO RUN BUT THAT HE HAD LEFT THE OPTION OPEN OF RUNNING WHILE REMAINING PRESIDENT OF GOVERNMENT. THE MORNING PRESS MISSED THIS POINT, BUT IT WAS NOT LOST ON THE MADRID POLITICAL CLASS AND THE AFTERNOON PRESS HAS NOW PICKED IT UP. CONCLUSION: THE ISSUE OF WHETHER SUAREZ WILL STAND FOR ELECTION HAS NOT BEEN RESOLVED BY THE SIMPLE APPROVAL BY THE CABINET OF THE ELECTORAL LAW. EATON

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